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ENGROSSED SUBSTITUTE HOUSE BILL 1508

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State of Washington

54th Legislature

1995 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Goldsmith, Kremen, Cooke and Morris)

Read first time 03/01/95.

1 AN ACT Relating to accounts under the authority of the department  
2 of labor and industries; amending RCW 18.27.340, 43.22.434, 43.22.480,  
3 and 43.22.500; adding a new section to chapter 18.27 RCW; adding a new  
4 section to chapter 43.22 RCW; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.27 RCW  
7 to read as follows:

8 The contractor enforcement account is created in the custody of the  
9 state treasurer. All receipts from monetary penalties, registration  
10 fees, and inspection fees imposed under this chapter shall be deposited  
11 into the account. Expenditures from the account may be used only for  
12 registration, enforcement of contractor registration, and consumer  
13 education activities of the department concerning contractors. Only  
14 the director or the director's designee may authorize expenditures from  
15 the account. The account is subject to allotment procedures under  
16 chapter 43.88 RCW, but no appropriation is required for expenditures.  
17 No less than twenty percent of yearly expenditures from the account  
18 shall be for consumer education and such consumer education shall  
19 include disclosure by public service announcement of persons not

1 registered under this chapter but performing work requiring  
2 registration under this chapter.

3 **Sec. 2.** RCW 18.27.340 and 1986 c 197 s 10 are each amended to read  
4 as follows:

5 (1) A contractor found to have committed an infraction under RCW  
6 18.27.200 shall be assessed a monetary penalty of not less than two  
7 hundred dollars and not more than three thousand dollars.

8 (2) The administrative law judge may waive, reduce, or suspend the  
9 monetary penalty imposed for the infraction only upon a showing of good  
10 cause that the penalty would be unduly burdensome to the contractor.

11 (3) Monetary penalties collected under this chapter shall be  
12 deposited in the ((general fund)) contractor enforcement account.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.22 RCW  
14 to read as follows:

15 The factory assembled structures administration account is created  
16 in the state treasury. All receipts from fees collected under RCW  
17 43.22.340 through 43.22.505 shall be deposited into the account.  
18 Expenditures from the account may be used only for the administration  
19 of RCW 43.22.340 through 43.22.505. Only the director of labor and  
20 industries or the director's designee may authorize expenditures from  
21 the account. The account is subject to allotment procedures under  
22 chapter 43.88 RCW, but no appropriation is required for expenditures.

23 **Sec. 4.** RCW 43.22.434 and 1995 c 280 s 5 are each amended to read  
24 as follows:

25 (1) The director or the director's authorized representative may  
26 conduct such inspections and investigations as ((may be)) are necessary  
27 to ((promulgate)) adopt or enforce mobile home, commercial coach,  
28 recreational vehicle, park trailer, factory built housing, and factory  
29 built commercial structure rules adopted under the authority of this  
30 chapter or to carry out the director's duties under this chapter.

31 (2) For purposes of enforcement of this chapter, persons duly  
32 designated by the director upon presenting appropriate credentials to  
33 the owner, operator, or agent in charge may:

34 (a) At reasonable times and without advance notice enter any  
35 factory, warehouse, or establishment in which mobile homes, commercial  
36 coaches, recreational vehicles, park trailers, factory built housing,

1 and factory built commercial structures are manufactured, stored, or  
2 held for sale; and

3 (b) At reasonable times, within reasonable limits, and in a  
4 reasonable manner inspect any factory, warehouse, or establishment as  
5 required to comply with the standards adopted by the secretary of  
6 housing and urban development under the National Mobile Home  
7 Construction and Safety Standards Act of 1974. Each inspection shall  
8 be commenced and completed with reasonable promptness.

9 (3) In carrying out the inspections authorized by this section the  
10 director may establish, by rule, and impose on mobile home  
11 manufacturers, distributors, and dealers such reasonable fees as ((may  
12 be)) are necessary to offset the expenses incurred by the director in  
13 conducting the inspections.

14 (4) All fees collected shall be deposited into the factory  
15 assembled structures administration account.

16 **Sec. 5.** RCW 43.22.480 and 1995 c 289 s 2 are each amended to read  
17 as follows:

18 (1) The department shall adopt and enforce rules that protect the  
19 health, safety, and property of the people of this state by assuring  
20 that all factory built housing or factory built commercial structures  
21 are structurally sound and that the plumbing, heating, electrical, and  
22 other components thereof are reasonably safe. The rules shall be  
23 reasonably consistent with recognized and accepted principles of safety  
24 and structural soundness, and in adopting the rules the department  
25 shall consider, so far as practicable, the standards and specifications  
26 contained in the uniform building, plumbing, and mechanical codes,  
27 including the barrier free code and the Washington energy code as  
28 adopted by the state building code council pursuant to chapter 19.27A  
29 RCW, and the national electrical code, including the state rules as  
30 adopted pursuant to chapter 19.28 RCW and published by the national  
31 fire protection association.

32 (2) The department shall set a schedule of fees which will cover  
33 the costs incurred by the department in the administration and  
34 enforcement of RCW 43.22.450 through 43.22.490. All fees collected  
35 shall be deposited into the factory assembled structures administration  
36 account.

37 (3) The director may adopt rules that provide for approval of a  
38 plan that is certified as meeting state requirements or the equivalent

1 by a professional who is licensed or certified in a state whose  
2 licensure or certification requirements meet or exceed Washington  
3 requirements.

4 **Sec. 6.** RCW 43.22.500 and 1979 ex.s. c 67 s 2 are each amended to  
5 read as follows:

6 The department of labor and industries, to defray the costs of  
7 printing, reprinting, or distributing printed matter issued by the  
8 department of labor and industries including, but not limited to, the  
9 matters listed in RCW 43.22.505, may charge a fee for ~~((such))~~ the  
10 publications in an amount which will reimburse the department for the  
11 costs of printing, reprinting, and distributing ~~((such))~~ the  
12 publications(~~(:—PROVIDED, That))~~). However, every person subject to  
13 regulation by the department may upon request receive without charge  
14 one copy per year of any publication printed pursuant to RCW 43.22.505  
15 whenever such person is affected by any statute(~~(7))~~ or rule (~~(or~~  
16 ~~regulation))~~ printed therein. All fees collected shall be deposited  
17 ~~((in the state treasury to the credit of the appropriate fund or))~~ into  
18 the factory assembled structures administration account.

19 NEW SECTION. **Sec. 7.** This act shall take effect July 1, 1996.

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